IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 2468 of 2004

Smt.Parvati Tukaram Patil & Ors. .. Petitioners

versus

Smt.Muktabai Balwant Misal .. Respondent

...

Mr.A.A. Kumbhakoni for the petitioners.

None for the respondent.

CORAM : D.G. KARNIK, J

DATED : 23rd April 2007.

P.C.:

1. Heard learned counsel for the petitioner.

2. The impugned order is an order of remand passed by Maharashtra Revenue Tribunal. In the impugned order, the Maharashtra Revenue Tribunal has noted that the appreciation of evidence made by the fact finding authority (Sub-divisional Officer) was improper and he had not taken into consideration the relevant circumstances. In the circumstances, the

Revenue Tribunal decided to remand the matter back to the fact finding authority for appropriate decision on merits after taking into consideration the relevant evidence and circumstances. As the Revenue Tribunal has itself not interfered in a finding of fact but has only remanded the matter back to the fact finding authority, no exception can be taken to the order. In the circumstances, Writ Petition is rejected summarily.

3. Needless to say that all observations made by the Revenue Tribunal were for the purpose of printing out that all relevant materials were not considered by the fact finding authority and should be interpreted in that context only and the appellate authority shall be entitled to reach itw own conclusions after taking into consideration all relevant evidence.

(D.G. KARNIK, J)